

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN THE MATTER OF THE	§	Case No. 2:07-CV-12423
COMPLAINT OF THE GREAT	§	ADMIRALTY/RULE 9(h)
LAKES TOWING COMPANY, AS	§	
OWNER OF THE TUG LOUISIANA,	§	
FOR EXONERATION FROM AND/OR	§	
LIMITATION OF LIABILITY	§	
	§	Judge Duggan
	§	Magistrate Judge Pepe

**ORDER (1) GRANTING MOTION FOR APPROVAL OF (i) *AD INTERIM*
STIPULATION FOR VALUE AND COSTS and (ii) LETTER OF
UNDERTAKING, (2) DIRECTING ISSUANCE OF REQUIRED NOTICE, AND
(3) ENJOINING COMMENCEMENT OR
FURTHER PROSECUTION OF ACTIONS**

Plaintiff, The Great Lakes Towing Company (“Plaintiff”), as owner of the Tug LOUISIANA, has filed a Motion for an Order (1) approving its (i) *Ad Interim* Stipulation For Value And Costs and (ii) Letter of Undertaking, (2) directing issuance of the required Notice, and (3) immediately restraining the commencement or further prosecution of any and all claims, actions, suits, or legal proceedings against Plaintiff and its affiliates, owners, shareholders, officers, employees, and property, including its vessels, and against its insurers and underwriters, with regard to any and all claims and causes of action which arise from or relate to, directly or indirectly, the matters addressed in the Complaint that Plaintiff has filed in this Court under 46 U.S.C. § 30511, *et seq.*, known as the Vessel Owners Limitation of Liability Act (“the Act”), and Rule F of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims.

The Court finds that Plaintiff has filed with its Complaint appropriate Verifications attesting to the value of its interest in the vessel, the Tug LOUISIANA (Exhibit A to the Complaint), together with pending freight at the conclusion of this vessel's voyage on May 25, 2006 (Exhibit B to the Complaint), an appropriate *Ad Interim* Stipulation for Value and Costs (Exhibit C to the Complaint), and Letter of Undertaking (Exhibit D to the Complaint), in accordance with established practice under the Act and Rule F.

Accordingly, it is ORDERED that the *Ad Interim* Stipulation for Value and Costs and the Letter of Undertaking filed by Plaintiff in the amount of \$307,232.44 (three hundred seven thousand two hundred thirty-two dollars and no cents), together with interest at the rate of six (6) percent per annum, and security for costs of court, is accepted and approved as to quantum, form and surety.

It is further ORDERED that the above-described *Ad Interim* Stipulation for Value and Costs be accepted as an *Ad Interim* Stipulation for the purpose of this Limitation of Liability Act proceeding and that such is approved as to form, quantum, and surety.

It is further ORDERED, in accordance with Rules F(4) and F(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims, that Notice shall issue out of this Court to all persons, companies, and other entities asserting claims with respect to which Plaintiff's Complaint seeks exoneration from and/or limitation of liability, admonishing them to file their respective claims, in writing, with the Clerk of this Court and to also serve a copy on the attorney for Plaintiff on or before Friday, July 20, 2007, and requiring any claimant who wishes to contest either the right to exoneration from liability or the right to limitation of liability to file and serve on

Plaintiff's counsel an answer to the Complaint, unless the claim has included an answer, on or before Friday, July 20, 2007, or be forever barred and defaulted. The Clerk or its authorized Deputy Clerk is directed to execute the Notice attached as Exhibit A to Plaintiff's above-described Motion and either forthwith mail such to Plaintiff's counsel or execute and file such Notice in the Court's CM/ECF system so that Plaintiff's counsel can fulfill Plaintiff's notice obligations under Rule F(4).

It is further ORDERED, pursuant to Rule F(4), that counsel for Plaintiff shall cause the above-described Notice to be published in the *Toledo Blade*, a newspaper of general circulation in the city of Toledo, Ohio, where the alleged incident underlying the Complaint occurred, once each week for four (4) consecutive weeks prior to the date fixed for filing of claims, as set forth in said Notice.

It is further ORDERED, pursuant to Rule F(4), that, not later than the day of second publication of the above-described Notice, Plaintiff's counsel shall serve the above-described Notice and a copy of this Order by certified mail, return receipt requested, postage prepaid, upon counsel for Mark L. Nicholson and any other persons or parties who have asserted a claim against Plaintiff arising out of the events described in Plaintiff's Complaint.

It is further ORDERED, pursuant to the Act and Rule F(3), that the commencement or further prosecution of any and all claims, suits, actions, and legal proceedings of any nature against Plaintiff and its affiliates, owners, shareholders, officers, employees, and property, including its vessels (including but not limited to the Tug LOUISIANA), and against its insurers and underwriters, with regard to any and all claims and causes of action which arise from or relate to, directly or indirectly, the

matters addressed in Plaintiff's Complaint, including but not limited to the suit brought by Mark Nicholson against Plaintiff which is pending in this Court under Case No. 2:07-cv-11134, is hereby ENJOINED and RESTRAINED, pending the hearing and determination of this proceeding.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: June 15, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 15, 2007, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager

Approved as to Form and Substance and Entry Requested By:

Dated: June 14, 2007 /s/ Frederick B. Goldsmith

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